

Notice of Allowability

Application No.

09/593,901

Examiner

James M. Hannett

Applicant(s)

MONROE, DAVID A.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to The amendment Filed 11/8/2005.
2. ☒ The allowed claim(s) is/are 1-6, 8, 11-13, 21-24, and 43 (renumbered to 1-15).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/8/2005 has been entered.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interviews with Raffi Gostanian, Jr on 12/21/2005 and 1/4/2006.

The application has been amended as follows: **Non-elected Claims 14-20, 25-42, 44 and 45 have been canceled.**

The application has been amended as follows: **Claim 10 has been canceled.**

The application has been amended as follows: **In Claim 8, Lines 1-2, "wherein each image sensor includes an iris and further including a controller for" has been changed to -wherein the iris controllers are used for--.**

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance: Sefton teaches the use of an imaging system which uses a single lens system (1) to direct a beam of light to a beam-splitter (2). Sefton teaches that the beam splitter separates the light into a high ambient light beam (V) and a low ambient light beam (IR). Furthermore, Sefton teaches the use of directing the two beams of light to a first and second image sensors. However, Sefton teaches the use of an iris associated with the primary lens system (1) and does not teach the use of providing an iris for each image sensor and allowing each iris to be independently controlled. Oshima on the other hand teaches the use of an imaging system which uses a single primary lens (1) which directs a beam of light to multiple beam splitters (7, 10, and 13). Therefore, Oshima teaches the use of an imaging system which has a single lens system directing a beam of light to a beam-splitter which then distributed the light to multiple image sensors (20, 21, 22 and 23). Furthermore, Oshima teaches that it is advantageous to allow each of the image sensors to have an individual iris that can be independently controlled. However, Oshima teaches that the beam-splitters divide the intensity of the light evenly and that the intensity of the light at each image sensor is equal. Therefore, Oshima does not teach using beam-splitters that divide the light into a high-ambient light beam and a low ambient light beam. Furthermore, the examiner can find no motivation to use the beam-splitters in Sefton in the imaging system of Oshima or to replace the single iris of Sefton with the multiple irises of Oshima. Therefore, the claims are allowed over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hannett whose telephone number is 571-272-7309. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Yen Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett 
Examiner
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JMH
January 4, 2006


NGOC YEN VU
PRIMARY EXAMINER